

REMARKS

Summary of Office Action

Claims 1-20 are pending in the above-identified application.

Claims 1-4, 9-12, and 17-20 are rejected under 35 U.S.C. § 102(e) as being anticipated by Hendricks et al. U.S. Patent No. 5,798,785 ("Hendricks").

Claims 5, 6, 8, 13, 14, and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hendricks in view of Levine U.S. Patent No. 5,692,214 ("Levine").

Claims 7 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hendricks in view of Hashimoto U.S. Patent No. 5,179,439 ("Hashimoto").

Applicants respectfully traverse the Examiner's rejections.

Applicants' Response to the  
35 U.S.C. § 102(e) Rejection

The Examiner has rejected claims 1-4, 9-12, and 17-20 as being anticipated by Hendricks.

Applicants' independent claims 1, 9, and 17 are directed to an interactive electronic program guide (IPG) that automatically generates a set of favorite criteria about television programs may interest a viewer and searches for and tags television programs that include these criteria. The IPG activates a function related to the tagged television programs without the viewer's intervention. Some examples of the IPG activating a function related to the tagged television program include: automatically placing a reminder to watch a tagged program, automatically scheduling a recording of a tagged program,

and automatically downloading a tagged program for digital storage (applicants' specification, page 22, lines 28-31).

Hendricks refers to a set top terminal that has a viewer-selectable display that provides a listing of suggested programs. After the system determines a list of suggested programs, the viewer may access the list by selecting VIEW option 1172 from menu 1130 (FIG. 11A).

Hendricks does not show "activating a function of the IPG related to the tagged television program without viewer's intervention" as recited by applicants' claims. The Examiner contends that this feature is shown by column 30, lines 48-50 of Hendricks which states: "suggested programs will then be displayed on the menu for viewer selection" (Office Action, page 3). Thus, the Examiner's position in this rejection appears to be that this suggested program display of Hendricks is displayed "without viewer's intervention." However, in fact, this display of Hendricks is only displayed when explicitly requested by the viewer.

The portion of Hendricks cited by the Examiner refers to the system which can suggest programs for viewing and is described in greater detail by Hendricks in column 30, line 3 through column 33, line 13 in the section labeled, "b. Responsive Embodiment Using Program Abstracts." In this system, a viewer provides responses, referred to as "search criteria", to questions that are indicative of their programming preferences (column 30, lines 34-36 and column 30, lines 51-59). The viewer then hits a "go" button to initiate a search of the program abstracts based on the search criteria in order to locate suggested programs (column 32, lines 20-24). Alternatively, the search criteria can be combined with

intelligent information determined through analysis of a viewer's past behavior (column 32, lines 54-57). Finally, if the viewer desires to see the suggested programs—whether the suggested programs are located based only on the search criteria or on the search criteria and the intelligent information—the viewer must "select the VIEW option" (column 32, lines 33-35). Thus, Hendricks clearly shows that a viewer must manually select a VIEW option in order for the suggested programs to be displayed. Therefore, Hendricks does not show any functions related to tagged programs that are activated without a viewer's intervention.

Moreover, since the only "function" shown by Hendricks is that of displaying suggested programs, it is inconceivable that this action would be activated without a viewer's intervention. Displaying suggested programs without a viewer's intervention would result in a disruptive system that would unpredictably show programs to a viewer, even when the viewer is trying to watch a television program. Such a system would, at best, be a nuisance to a viewer and, in a worse scenario, would actually prevent a viewer from even watching television programs.

For at least the foregoing reasons, independent claims 1, 9, and 17 are allowable over Hendricks. Claims 2-4, 10-12, and 18-20, which depend from independent claims 1, 9, and 17, are also allowable over Hendricks for at least the reasons that independent claims 1, 9, and 17 are allowable over Hendricks. Accordingly, applicants respectfully request that the rejection of claims 1-4, 9-12, and 17-20 under 35 U.S.C. § 102(e) be withdrawn.

Applicants' Response to the 35 U.S.C.

§ 103(a) Rejection in view of Levine

Dependent claims 5, 6, 8, 13, 14, and 16 are rejected under 35 U.S.C. § 103(a) as being obvious over Hendricks in view of Levine.

Dependent claim 5, 6, 8, 13, 14, and 16 are allowable at least because these claim depend from allowable independent claims 1 and 9, respectively. Dependent claims 5, 6, 8, 13, 14, and 16 are also allowable because the combination of Hendricks and Levine does not show or suggest all of the elements of these dependent claims.

Dependent claims 5, 6, 8, 13, 14, and 16, recite that the function activated without viewer intervention is: automatically tuning to a tagged television program (claims 5 and 13), automatically programming a recording device to record a tagged television program (claims 6 and 14), or automatically downloading a copy of the tagged program to a digital storage medium (claims 14 and 16).

The Examiner concedes that Hendricks does not teach a system where the tagged program is automatically tuned to, programmed for recording, or downloaded. In an attempt to remedy this deficiency in Hendricks, the Examiner has suggested combining Hendricks with Levine.

Levine refers to a system for recording programs. A computer receives a schedule of future programs, and a user selects a particular program to be scheduled for recording. The selected program is recorded at the appropriate time (Levine, abstract).

The combination of Hendricks with Levine still does not show or suggest activating the functions of applicants' claims without viewer intervention. In particular, the "automatic recording" of Levine is only

performed when a user manually selects desired TV programs for future recording. Thus, neither Hendricks nor Levine show activating the functions of applicants' claims without viewer intervention. Therefore, Levine fails to make up for the deficiencies of Hendricks.

At the very best, the combination of Hendricks with Levine results in a system that suggests programs to a user and then requires a user to manually select a suggested program which is then scheduled for recording. However, this does not show or suggest the features of applicants claims.

For at least the foregoing reasons, claims 5, 6, 8, 13, 14, and 16 are allowable over Hendricks in view of Levine. Accordingly, applicants respectfully request that the rejection of claims 5, 6, 8, 13, 14, and 16 under 35 U.S.C. § 103(a) be withdrawn.

Applicants' Response to the 35 U.S.C.  
§ 103(a) Rejection in view of Hashimoto

Claims 7 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hendricks in view of Hashimoto.

Dependent claims 7 and 15 are rejected under 35 U.S.C. § 103(a) as being obvious over Hendricks in view of Hashimoto.

Dependent claim 7 and 15 are allowable at least because these claim depend from allowable independent claims 1 and 9, respectively. Dependent claims 7 and 15 are also allowable because the combination of Hendricks and Hashimoto does not show or suggest all of the elements of these dependent claims.

Dependent claims 7 and 15 recite that the function activated without viewer intervention is

automatically reminding the viewer to view a tagged television program.

The Examiner concedes that Hendricks does not teach a system that automatically reminds the viewer of a tagged program. In an attempt to remedy this deficiency in Hendricks, the Examiner has suggested combining Hendricks with Hashimoto.

Hashimoto refers to a system for reserving TV programs. A user manually enters TV programs that he desires to record into the system (Hashimoto, column 5, lines 38-39). When it is time for the TV program to be aired, an alarm is sounded so the user can manually switch the VCR to a recording mode (Hashimoto, column 6, lines 15-26).

The combination of Hendricks with Hashimoto still does not show or suggest a system that can activate a function of the IPG related to the tagged television program without viewer's intervention "wherein the activated function is automatically reminding the viewer to view the tagged program," as recited by applicants' claims. In particular, the "automatic reminding" of Hashimoto requires a user to manually select desired TV programs to schedule a an alert. Thus, neither Hendricks nor Hashimoto show automatically reminding user to view a tagged program without viewer intervention. Therefore, Hashimoto fails to make up for the deficiencies of Hendricks.

At the very best, the combination of Hendricks with Hashimoto results in a system that suggests programs to a user, and then requires a user to manually select a suggested program to schedule for alerting.

For at least the foregoing reasons, claims 7 and 15 are allowable over Hendricks in view of Hashimoto.

Accordingly, applicants respectfully request that the rejection of claims 7 and 15 under 35 U.S.C. § 103(a) be withdrawn.

Conclusion

In view of the foregoing, applicants respectfully submit that this application is in condition for allowance. Reconsideration and allowance are respectfully requested.

Respectfully submitted,



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